

REMARKS

Introductory Remarks

Claim 18 has been amended as shown in the Listing of Claims section. Accordingly, claim 18 is currently pending in the application and is the only independent claim.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §112

Claim 18 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully request reconsideration based on the above amendments and following remarks.

The Office Action indicates a discrepancy between carbon powder and carbon particulate. The claim has been amended to consistently refer to carbon particulate. Additionally the Office Action indicated that there is no antecedent support for cooling said green foam because there is no step indicating that a green foam has formed. The claim has been amended to provide for forming and cooling a petroleum pitch-based foam. Further, the Office Action indicated that the claim does not contain a positive limitation indicating that a porous

pitch-based foam is formed. Applicant has amended claim 18 to positively recite that a porous petroleum-pitch based foam has formed.

Applicant respectfully submits that claim 18 complies with 35 U.S.C. §112, second paragraph.

Double Patenting

Claim 18 stands rejected under the judicially created doctrine of obviousness type double patenting over claims 3, 8, and 22 of U.S. Patent No. 6,656,239 issued to Rogers. The present application and U.S. Patent No. 6,656,239 are currently commonly owned.

Applicants respectfully request that the double patenting rejections be held in abeyance until claims in the present application are otherwise in condition for allowance. At that time, if appropriate, a terminal disclaimer will be submitted.

Extension of Time

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith. It is not believed that any further extensions of time are required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 503310.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this Reply, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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